

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated March 21, 2008, (hereinafter "Office Action") has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection based upon the asserted teachings of U.S. Publication No. 2003/0103484 by Oommen (hereinafter "Oommen") and U.S. Publication No. 2002/0078105 by Hamada (hereinafter "Hamada") because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. For example, neither of the asserted references teaches at least determining at least one data element comprising priority data of at least one sub object in relation to other sub objects and attaching the data element to a management tree maintained by a management server, as claimed in independent Claims 1, 5, 8, and 12. The Office Action acknowledges at page three that Oommen does not teach determining a data element comprising the claimed priority data; therefore, Oommen also must not teach attaching such a data element to a management tree. In an effort to overcome these deficiencies in the teachings of Oommen, the teachings of Hamada are relied upon; however, this reliance is misplaced.

Hamada is unrelated to device management and to actions between a management server and a management customer device; therefore, Hamada also does not teach or suggest determining a data element comprising the claimed priority data. In contrast, the cited portions of Hamada merely disclose a tree-structured storage in which the order of objects in the tree defines their interpretation or search order. For example, Hamada teaches that interpretation of the objects are based upon certain rules such as elements are interpreted sequentially from an older brother to a younger brother (paragraph [0105]) or command elements contained within a web document are interpreted at a higher priority before execution of interpretation of an insertion target document is continued (paragraph [0106]). Hamada makes no mention of a specific data element comprising priority data, and instead, Hamada uses rule-based interpretation (*see, e.g.*, Fig. 12 and the discussion

thereof). Also, the mere storage of objects in a hierarchy of a tree fails to correspond to the claimed data element comprising priority data at least since the claimed data element is attached to an existing management tree. Thus, Hamada also fails to teach or suggest determining a data element comprising priority data as claimed.

As Hamada fails to correspond to the claimed limitations, including teaching determining at least one data element as claimed, and Oommen does not correspond to such limitations, the asserted combination of references must fail to at least teach or suggest the claim limitations directed to a data element comprising priority data of a sub object. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

In addition, neither of the asserted references has been shown to teach or suggest updating or forming a management tree in accordance with a data element comprising priority data in a management customer device, as claimed, for example, in independent Claim 10. The Office Action acknowledges at page three that Oommen does not teach such limitations and instead relies upon the teachings of Hamada. However, since Hamada does not teach determining a data element comprising priority data, as claimed, Hamada also does not teach the further claimed uses of such data element such as attaching the data element to a management tree. As explained above, cited paragraph [0106] does not teach using a determined data element as claimed but instead teaches that nodes of a tree are processed in accordance with set interpretation rules. As Hamada is solely relied upon as teaching these limitations, and fails to do so, the combination of the asserted teachings must fail to also correspond to the limitations directed to updating or forming a management tree. Without a presentation of correspondence to each of the claimed limitations, the rejection is further improper.

Dependent Claims 2-4, 6, 7, 9, 11 and 13 depend from independent Claims 1, 5, 8, 10 and 12, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Oommen and Hamada. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design

choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-4, 6, 7, 9, 11 and 13 are also patentable over the asserted combination of Oommen and Hamada.

With particular respect to dependent Claims 3, 6, and 13, Applicant further traverses because the asserted teachings do not teach or suggest the use of separate leaf objects by a management server to store a data element having priority data, as claimed. The cited paragraph [0045] of Oommen only generally discusses addition of new objects to a management tree and does not teach or suggest using separate leaf objects by a management server, as claimed. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to dependent Claims 4 and 7, Applicant further traverses because the asserted teachings do not teach or suggest attaching run-time property definitions of priority data to meta data of a management tree, as claimed. The cited paragraph [0048] of Oommen merely generally discusses basic URI-based management tree information retrieval and does not teach or suggest attaching run-time property definitions determining priority data to meta data of a management tree maintained by a management server, as claimed. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that the rejection be withdrawn.

In addition, the § 103(a) rejection is traversed because the requisite reasoning supported by a rational underpinning has not been articulated to support the asserted conclusion of obviousness. No evidence or explanation has been provided as to how or why a skilled artisan would use Hamada’s web document editing techniques to prioritize

device management sub objects in a management tree. Rather, Hamada is directed to a method for editing web documents that has not been shown to be applicable to Oommen's use of management trees in device management. Without a presentation of reasoning based on a rational underpinning, the asserted combination of teachings is unsupported and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Notwithstanding the above, in an effort to facilitate prosecution, Applicant has amended the independent claims to characterize that the data element is a management object. Support for these changes may be found in the instant Specification, for example, at paragraph [0025]; therefore, these changes do not introduce new matter. Each of the claims is believed to be patentable over the cited references for the reasons set forth above and further because the asserted references do not teach at least that a data element comprising priority data of at least one sub object in relation to other sub objects is a management object.

With respect to the objection to the Specification, Applicant respectfully traverses. The objection is based upon the assertion that the Specification does not provide proper antecedent basis for the term "computer-readable medium". First, it is noted that the subject matter of a claim need not be described literally in the Specification (*i.e.*, using the same terms or *in haec verba*) and an applicant is not limited to the nomenclature used in the application as filed. MPEP §§ 608.01(o) and 2163.01. Second, antecedent basis for the now-claimed computer-readable medium is believed to be provided in at least paragraph [0020] of the original Specification. This paragraph discloses that computer software can be stored in any memory means, which would include a computer-readable medium. Since the Specification discloses storage of software and provides examples of storage media that would constitute statutory subject matter, the Specification is believed to provide proper

antecedent basis for the now-claimed computer-readable medium. Applicant accordingly requests that the objection be removed.

Also, Claims 1, 2, 5, and 8-12 have been amended to address the format of the claim language. These changes are not made for any reasons related to patentability or to the asserted references, and the changes do not introduce new matter. These claims, with or without the changes, are believed to be patentable over the teachings of Oommen and Hamada alone, or combined as asserted, for the reasons set forth above.

Further new Claims 14-18 have been added. These claims largely correspond to the previously-pending claims, *e.g.*, new Claims 14 and 15 (Claims 3 and 4) and new Claims 17 and 18 (Claims 1 and 2). Support for Claim 16 may be found in the Specification, for example, at paragraph [0033]; therefore the added claims do not introduce new matter. Each of the new claims is believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.064PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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